

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0135 / Cristo Rey Catholic Church Lot 6 Rezoning

**P.C. PUBLIC HEARING DATE:** January 11, 2011  
December 14, 2010  
November 9, 2010

**ADDRESS:** 2110 East 2<sup>nd</sup> Street

**OWNER:** Cristo Rey Catholic Church (Reverend Jayme Mathias), (512) 477-1099

**AGENT:** DAVCAR Engineering (Thomas Duvall), (512) 328-4428

**ZONING FROM:** SF-3-NP                      **TO:** GO-CO-NP

**SITE AREA:** 0.1466 acres (6,386 square feet)

**SUMMARY STAFF RECOMMENDATION:** The staff recommendation is to deny the requested rezoning from SF-3-NP (Family Residence – Neighborhood Plan) combining district zoning to GO-CO-NP (General Office – Conditional Overlay – Neighborhood Plan) combining district zoning.

**SUMMARY PLANNING COMMISSION RECOMMENDATION:** January 11, 2011: Planning Commission approved an indefinite postponement request by the applicant; by Consent. [A. HERNANDEZ, M. DEALEY 2<sup>nd</sup>] (8-0) (Commissioner J. REDDY was absent).

December 14, 2010: Planning Commission approved the postponement request by the applicant; by Consent. [M. DEALEY, S. KIRK 2<sup>nd</sup>] (6-0) (Commissioners D. CHIMENTI, J. REDDY and A. HERNANDEZ were absent).

November 9, 2010: Planning Commission approved the postponement request by the neighborhood; by Consent. [S. KIRK, M. DEALEY 2<sup>nd</sup>] (9-0)

**DEPARTMENT COMMENTS:** The 0.1466-acre site is currently zoned SF-3-NP (Family Residence – Neighborhood Plan) combining district and is located on the northwest corner of East 2<sup>nd</sup> Street and Robert Martinez Jr. Street. The site lies within the Holly Neighborhood Plan and is bordered by single family zoning and residences to the north and west, single family zoning and a church rectory to the south, and general office zoning and an office across Robert T. Martinez Jr. Street to the east.

The subject property is currently developed with a one-story single family residence and a two-story secondary apartment. The applicant is requesting GO-CO-NP zoning to construct a new parish office on the subject tract. The existing single family residence and secondary apartment which is currently on the property will be relocated to another site. The existing parish office located across Robert Martinez Jr. Street will be removed and redeveloped with parking areas to serve the Cristo Rey Catholic Church that is located at the southeast corner of East 2<sup>nd</sup> Street and Robert Martinez Streets. The goal of the proposed redevelopment is to improve the parking issues currently experienced by neighborhood residents during church activities.

The staff recommendation is denial of the requested zoning. The proposed zoning and use is not consistent and compatible with the existing zoning and uses in the block containing the subject tract, or in the blocks to the north, south and west. Additionally, the Land Use section of the Holly Neighborhood Plan specifically states in Objective 1.5: to preserve existing single family housing throughout the neighborhood. The Plan also emphasizes in Objective 2.3: to restrict incompatible uses in residential areas. The proposed office is not compatible with the adjacent single family residential uses.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single-family residence; Secondary Apartment
<i>North</i>	SF-3-NP	Single-family residences
<i>South</i>	SF-3-NP	Rectory (Religious Assembly)
<i>East</i>	GO-CO-NP	Office (Parish Office- Religious Assembly)
<i>West</i>	SF-3-NP	Single-family residences

**NEIGHBORHOOD PLAN AREA:** Holly Neighborhood Plan

**TIA:** Is not required

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Guadalupe Neighborhood Development Corporation  
 PODER People Organized in Defense of Earth & Her Resources  
 Austin Neighborhood Council  
 Sentral Plus East Austin Koalition (SPEAK)  
 El Concilio Coalition of Mexican American Neighborhood Association  
 Barrio Unido Neighborhood Association  
 Home Builders Association of Greater Austin  
 League of Bicycling Voters  
 Austin Parks Foundation  
 East River City Citizens  
 Homeless Neighborhood Association  
 Del Valle Community Coalition  
 Greater East Austin Neighborhood Association  
 Cristo Rey Neighborhood Association  
 United East Austin Coalition  
 Austin Monorail Project  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.  
 Tejano Town  
 Sierra Club, Austin Regional Group

**SCHOOLS: (AISD)**

- Zavala Elementary School

- Martin Middle School
- Eastside Memorial Green Tech High School

**CASE HISTORIES:** There are no recent case histories on or surrounding the subject tract.

**RELATED CASES:** The Holly Neighborhood Plan rezonings were approved by Council on December 13, 2001 (C14-01-0166). A Neighborhood Plan Amendment to change the FLUM designation from Single Family to Office is also in process (NPA-2010-0010.01).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
E. 2 <sup>nd</sup> Street	60'	44'	Local	Yes	No	Yes
Robert T. Martinez Jr. Street	54'	36'	Local	Yes	Yes	Yes

**CITY COUNCIL DATE:**  
December 16, 2010

**ACTION:**

The item was postponed on consent to February 10, 2011 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-0. Council Member Cole was off the dais.

February 10, 2011

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**ZONING CASE MANAGER:** Joi Harden

**PHONE:** 974-2122 **E-MAIL:** joi.harden@ci.austin.tx.us

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**C14-2010-0135 2110 E. 2nd Street**  
**From SF-3-NP to GO-CO-NP**





## **SUMMARY STAFF RECOMMENDATION**

The staff recommendation is to deny the requested rezoning from SF-3-NP (Family Residence – Neighborhood Plan) combining district zoning to GO-CO-NP (General Office – Conditional Overlay – Neighborhood Plan) combining district zoning.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed zoning and use is not consistent and compatible with the existing zoning and uses in the block containing the subject tract; or in the blocks to the north, south and west. Additionally, the Land Use section of the Holly Neighborhood Plan specifically states in Objective 1.5: to preserve existing single family housing throughout the neighborhood. The Plan also emphasizes in Objective 2.3: to restrict incompatible uses in residential areas.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The existing SF-3-NP zoning allows for reasonable use of the site while maintaining the character of the surrounding area. The proposed zoning does not promote an orderly and compatible relationship among land uses. The GO – office zoning encroaches into a block of single family residences and zoning.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject property is currently developed with a one-story single family residence and a two story secondary apartment. The lot is flat and lightly vegetated.

### **Impervious Cover**

The maximum impervious cover allowed by the GO zoning district would be 80%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan Review**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the west, north, and south property line, the following standards apply:

- No structure may be built within 25 feet of the western property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 5 feet of the western property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

#### **§ 25-2-1068 Construction Of Parking Lots And Driveways By Civic Uses Prohibited.**

- (A) Except as provided by Subsection (B), a parking lot or driveway may not be constructed to serve a civic use described in Section 25-2-6 (Civic Uses Described) if:

- (1) construction of the parking lot or driveway requires the removal of a single-family residential use; or
  - (2) the civic use provides secondary access from the civic use through a lot.
- (B) Subsection (A) does not apply if at least 50 percent of the property adjoining the lot on which the parking lot or driveway is located is in a townhouse and condominium residence (SF-6) or more restrictive zoning district. Property that adjoins the rear of the lot, property owned by the owner of the civic use, and right-of-way are not considered in making a determination under this subsection.





Iglesia Católica de  
**CRISTO REY**  
Catholic Church  
"Tu Casa"

**Personal Parroquial**  
**Parish Staff**

Rev. Jayme Mathias  
Párroco / Pastor

Rev. Facundo Medina Blanco  
Vicario Parroquial / Parochial Vicar

Rev. Señor Agapito López  
Dácono / Deacon

Hna. Elizabeth Z. Villanueva, FMA  
Ministerios Salesianos / Salesian Ministries

Hna. M. Guadalupe Medina, FMA  
Educación Religiosa / Religious Education

Hermilo Jaimes  
Compromiso Parroquial / Stewardship

Benito Guerrero, Jr.  
Desarrollo / Institutional Advancement

Michele Rodríguez  
Administradora / Administrator

Ángeles Godínez  
Recepcionista / Receptionist

Rubén Bucio & Tito Camillo  
Instalaciones / Facilities

**Consejo Pastoral**  
**Pastoral Council**

Rigoberto Álvarez  
Honorable Cuerpo de Seguridad

Honorio Baraona  
Jóvenes Unidos para Cristo Rey

Delia León  
Católicos Misioneros

Esther Hernández  
Cooperadores Salesianos

Eitrón & María Palacios  
Adoración Nocturna

Manuel & Marisol Pérez  
Movimiento Familiar Cristiano

Jesús & Isabel Ramírez  
Cristo Renueva Su Parroquia

Yolanda Villanueva  
Grupo de Oración

**Consejo Financiero**  
**Finance Council**

Daniel Camarena  
Tequerías Arandas

Ramón Carrasquillo  
Carrasquillo Associates

John Chronis  
Chronis Interests, L.L.C.

Roy Gómez  
Shortstop & Sandy's

Pedro Kaufmann  
Piedras, L.L.C.

Hilbert Maldonado  
Hill-Bert's Burgers

John McDaniel  
Terry McDaniel & Company

Helen Morales  
International Bank of Commerce

Barbara Rivera  
Internal Revenue Service

**Oficina del Párroco**  
**Office of the Pastor**

December 1, 2010

Dear Members of the Planning Commission of the City of Austin,

I write to respectfully request the postponement of the hearing of our petition to rezone our property at 2110 East Second Street, presently scheduled for December 14. This is our first request for such a postponement, and we do not anticipate submitting a similar request in the future

Mr. Gavino Fernández, Jr. successfully sought the postponement of our hearing before your commission on November 9, on the grounds of desiring additional time to speak with us about the case. It does not seem that we will be able to meet with Mr. Fernández before December 14.

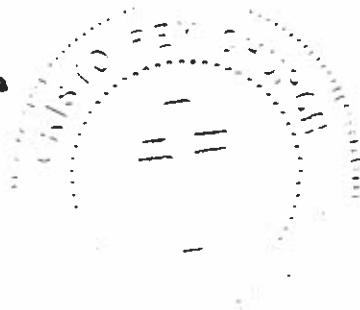
Additionally, with the great amount of activity here in our parish community during the coming weeks and with the travels scheduled by various persons who would like to be present at the hearing before your commission, I write to respectfully request that our case be heard at the next meeting of your commission on January 11.

I thank you in advance for your consideration of this request, and I look forward to speaking with you about the great community support for this project of rezoning 2110 East Second Street.

I can be most directly reached at my direct line (826-0280) or by e-mail at [jmathias@craustin.com](mailto:jmathias@craustin.com).

Sincerely,

Rev. Jayme Mathias  
Pastor



**Harden, Joi**

**From:** today [REDACTED]  
**Sent:** Friday, November 05, 2010 11:02 AM  
**To:** [REDACTED]; [REDACTED]; [REDACTED];  
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];  
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];  
[REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED];  
**Subject:** Barrio Unido request for postponement of case c14-2010-0135

We the members of Barrio Unido in good standing hereby request a postponement of case c14-2010-0135 list on your November 9, 2010 agenda until our next scheduled meeting of December 14, 2010. We need additional time to work out issues with applicant and have homeowners members out of town until November 12 due to veterans day trip.

Respectfully submitted

Frances Martinez, President Barrio Unido Neighborhood Association  
Gavino Fernandez, Jr  
Vice-President Barrio Unido Neighborhood Association

Thank You



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Shoptop & Sandy's

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Pedras, LLC.

Hilbert Maldonado  
Hill-Bert's Burgers

John McDaniel  
Terry McDaniel & Company

Helen Morales  
International Bank of Commerce

Barbara Rivera  
Internal Revenue Service

**Oficina del Párroco  
Office of the Pastor**

January 6, 2011

Dear Members of the Planning Commission of the City of Austin,

*Having consulted with City Planning Staff, I write to respectfully request the indefinite postponement of the hearing for rezoning of our property at 2110 East Second Street, presently scheduled for January 11, 2011.*

Our parish's finance council is presently working with the Diocese of Austin to assess our financial condition, in light of the present economy and our financial performance during 2010. As recently as yesterday afternoon, our parish administrator and I met with representatives of the Diocese of Austin to discuss the impact of the present economy on Catholic communities like ours.

Our parish administrator is presently working to close our books for the 2010 fiscal year, at which time our finance council will meet to review our financial statements. Our finance council will then share its findings with our parish's pastoral council. Representatives of both the finance and pastoral councils will then meet with representatives of the Diocese of Austin, so as to discern whether it is in our best interest as a parish and as a diocese to move forward with this case for rezoning our property at 2110 East Second Street at this time. Based on conversations with City Planning Staff we understand that an indefinite postponement is limited to 180 days. We do not anticipate requiring more time than this, and we understand we will be required to withdraw our application for rezoning if the 180 day timeline is exceeded.

I thank you in advance for your consideration of this request, and I look forward to speaking with you about the great community support for this project of rezoning 2110 East Second Street. To date, more than 2,700 persons have submitted letters of support. We have been successful in contacting 87.5% of all neighbors who live within 200 feet of this property, and 95.2% of these persons have submitted to us letters of support for this project.

I trust you will not hesitate to contact me with any questions regarding the present request.

Sincerely,

Rev. Jayme Mathias  
Pastor